

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HAMLET GARCIA II,
Plaintiff,

v.

DANIEL MCCORMICK, et al.,
Defendants.

:
:
:
:
:
:
:

Case No. 2:25-cv-01878-JDW

ORDER

AND NOW, this 19th day of May, 2025, upon consideration of Plaintiff Hamlet Garcia II's Motion to Proceed *In Forma Pauperis* (ECF No. 5), it is **ORDERED** that the Motion is **GRANTED** pursuant to 28 U.S.C. § 1915.

It is **FURTHER ORDERED** that the Complaint is **DEEMED** filed.

It is **FURTHER ORDERED** that for the reasons stated in the accompanying Memorandum, the Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE**, as follows:

a. Mr. Garcia's claim for mandamus relief pursuant to 28 U.S.C. § 1361 is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction; and

b. The balance of the Complaint is **DISMISSED WITH PREJUDICE**.

The Clerk of Court shall mark this case closed.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.